



Legislation Details (With Text)

**File #:** 10-1209      **Version:** 1      **Name:** CD-3,4,5 - Med Marijuana ord amendment  
**Type:** Agenda Item      **Status:** Approved  
**File created:** 10/28/2010      **In control:** City Council  
**On agenda:** 11/16/2010      **Final action:** 11/16/2010

**Title:** Recommendation to respectfully request City Attorney to prepare an amendment to Section 5.87.040 of the Long Beach Municipal Code regarding medical marijuana collective permit approval and operating conditions.

**Sponsors:** COUNCILMEMBER GARY DELONG, THIRD DISTRICT, COUNCILMEMBER PATRICK O'DONNELL, FOURTH DISTRICT, COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT

**Indexes:** Ordinance request

**Code sections:**

**Attachments:** 1. 110910-R-13sr&att.pdf, 2. 110910-R-13-Handout C Kemp.pdf, 3. 110910-R-13-Handout S Serhan.pdf, 4. 111610-UB-30sr&att.pdf

Date	Ver.	Action By	Action	Result
11/16/2010	1	City Council	approve substitute motion	Pass
11/9/2010	1	City Council	approve substitute motion	Pass

Recommendation to respectfully request City Attorney to prepare an amendment to Section 5.87.040 of the Long Beach Municipal Code regarding medical marijuana collective permit approval and operating conditions.

Chapter 5.87 of the Long Beach Municipal Code is commonly referred to as the Medical Marijuana Ordinance. The ordinance was implemented to regulate the operation and location of collectives within laws enumerated by the State Compassionate Use Act and State Medical Marijuana Program Act

The City Council enacted restrictions in an attempt to control the proliferation of collectives and to ensure public safety. The conditions of approval are outlined in Section 5.87.040 (attached). The ordinance restricts collectives to locations outside the following areas: Area zoned for exclusive residential use, within 1,000 feet of a K-8 grade school, within 1,500 feet of a high school, and within 1,000 feet of another collective.

In response to community concerns for additional public safety measures, we are proposing to add conditions to the ordinance. The following amendments are suggested for Council consideration:

- Collectives cannot be located within 1,000 feet of a Park, Library, or Day Care facility as licensed through the City of Long Beach.
- Limit the number of dispensary locations to 18 citywide, and no more than 2 dispensaries per district.
- Restrict the cultivation of Medical Marijuana to Industrial Zones.
- Require the collectives to produce Audited Financial Statements by a Certified Public Accountant (CPA) and submit their annual Sales Tax report for the Board of Equalization.
- Restrict hours of operation to Monday through Sunday 9:00 am to 5:00 pm.

- In lieu of a Public Hearing provide a 45-day input/comment period while allowing the public to review submitted applications. Include an additional noticing to property owners once a permit is issued.
- Upon implementation of the amended ordinance, create a 1-year moratorium banning additional applications and request City Departments to come back and provide a report to City Council of effectiveness, impacts, and cost implications of implemented ordinance.
- Require permitted Collectives to have security cameras consistent with the Long Beach Police Department's requirements.
- Provide affected applicants a 60-day period to resubmit for an allowed location.

Additionally, request City Attorney to provide any further administrative changes that improve the implementation of the ordinance.

It is recommended that the appropriate Code sections be amended as outlined above to further ensure the safety and security of surrounding communities.

Approve recommendation.

Gary Delong, Councilmember  
3rd District

Patrick O'Donnell, Councilmember  
4th District

Gerrie Schipske, Councilwoman  
5th District